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Practitioner's Docket No. U015125-9  
**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: **RAKESH TULI, ET AL.**

Serial No.: 10/814,858

Group No.: 1633

Filed: MARCH 31, 2004

Examiner: MARVICH, MARIA

For: ARTIFICIAL BIDIRECTIONAL PROMOTER FOR  
ACTIVATION OF GENE EXPRESSION

Mail Stop AF  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE UNDER  
37 C.F.R. 1.116  
EXPEDITED PROCEDURE  
EXAMINING GROUP 1633

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**AMENDMENT OR RESPONSE AFTER FINAL REJECTION—TRANSMITTAL**

**CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10\***

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37 C.F.R. 1.8(a)

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Signature

Date: September 26, 2006

Janet L. Cord

(Type or print name of person certifying)

09/27/2006 CNEGA1 00000026 120425 10014858

01 FC:1253 1020 00 DA

*Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation. Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.*

SEP 26 2006

Transmitted herewith is an amendment after final rejection (37 C.F.R. 1.116) for this application.

*NOTE: Response to Final Rejection—Avoiding Extension Fees "In patent applications wherein a three month Shortened Statutory Period (SSP) is set for response to a Final Rejection, the response would best be filed within two months of the date of the Office Action. If filed within two months, any Advisory Action mailed after the SSP expires will reset the SSP to expire on the date of the Advisory Action for extension fee purposes, but never more than six months from the date of the Final Rejection." Notice of Nov. 30, 1990 (1122 O.G. 571 to 591).*

### STATUS

2. The application is qualified as  
☐ a small entity.  
☒ other than a small entity.
3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply for a term of up to six (6) months.

### EXTENSION OF TERM

*NOTE: As to a Supplemental Amendment filed in response to a final office action, the Notice of December 10, 1985 (1061 O.G. 34-35) states:*

*"If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run."*

*(complete (a) or (b), as applicable)*

- (a) ☐ Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)(1)-(4)) for the total number of months checked below:

	Extension (months)	Fee for other than small entity	Fee for small entity
<input type="checkbox"/>	one month	\$ 120.00	\$ 60.00
<input type="checkbox"/>	two months	\$ 450.00	\$ 225.00
<input checked="" type="checkbox"/>	three months	\$ 1,020.00	\$ 510.00
<input type="checkbox"/>	four months	\$ 1,590.00	\$ 795.00
<input type="checkbox"/>	five months	\$ 2,160.00	\$ 1,080.00

Fee: \$ 1,020.00

If additional extension of time is required, please consider this a petition therefor.

*(check and complete the next item, if applicable)*

- ☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ \_\_\_\_\_

OR

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- (b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

#### FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

				OTHER THAN A		SMALL ENTITY		SMALL ENTITY	
(Col. 1)		(Col. 2)		(Col. 3)					
Claims		Highest No.		Present		Addit.		Addit.	
Remaining		Previously		Extra		Fee		Fee	
After		Paid For				OR			
Amendment									
Total	* Minus	**	=	x \$ 25=	\$			x \$50=	\$
Indep.	* Minus	***	=	x \$100=	\$			x \$200=	\$
<input type="checkbox"/> First Presentation of Multiple Dependent Claim				x \$180=	\$			+ \$360=	\$
Total					Addit. Fee \$	OR	Total		
							Addit. Fee \$		

- \* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.  
 \*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, enter "20".  
 \*\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".  
 The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

WARNING: See 37 C.F.R. § 1.116

#### FEE PAYMENT

5. ☒ No additional fee is required.

OR

☐ Total additional fee required is \$ 1,020.00.

- ☐ Attached is a check in the sum of \$ \_\_\_\_\_.  
☒ Charge Account No. 12-0425 the sum of \$ 1,020.00.  
 A duplicate of this transmittal is attached.

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## FEE DEFICIENCY OR OVERPAYMENT

*NOTE: Where there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the case. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33)*

6. ☒ If any additional extension and/or fee is required, charge Account No. 12-0425

AND/OR

- ☒ If any additional fee for claims is required, charge Account No. 12-0425

AND/OR

- ☒ Refund any overpayment to Account No. 12-0425.

  
SIGNATURE OF PRACTITIONER

Reg. No.: 33.778

Janet I. Cord

(type or print name of practitioner)

Tel. No.: (212) 708-1935

P.O. Address

c/o Ladas & Parry LLP  
26 West 61<sup>st</sup> Street  
New York, N.Y. 10023

Customer No.:



00140

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## AMENDMENT OR RESPONSE AFTER FINAL REJECTION-FIRST PAGE

In response to the final action of April 4, 2006, please amend the above application as follows:

## CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10\*

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37 C.F.R. 1.8(a)

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"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on motion." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

Reconsideration and further examination is respectfully requested in view of the following amendments and remarks.

Amendments to the claims are reflected in the listing of claims which begins on page 3 of this paper.

Remarks commence on page 6.